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10/568,382	02/14/2006	Sten Pahlsson	FRAB127116	1021
26380 7590 03/24/2010 CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347				
EXAMINER				
HALL, COREY JOHN				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/568,382

Applicant(s)

PAHLSSON ET AL.

Examiner

COREY HALL

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2010.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 01 February 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/GS-08)
Paper No(s)/Mail Date 3/4/2010
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/1/2010 has been entered.

Response to Arguments

2. Applicant's arguments, see page 11, lines 8-19, filed 2/1/2010, with respect to the drawings have been fully considered and are persuasive. The objection of the drawings has been withdrawn.
3. Applicant's arguments, see page 11, line 20-page 12, line 3, filed 2/1/2010, with respect to the specification have been fully considered and are persuasive. The objection of the specification has been withdrawn.
4. Applicant's arguments filed 2/1/2010 have been fully considered but they are not persuasive. On page 13, line 19-page 14, line 2, Applicant argues that Crump discloses a machine primarily for moisturizing or drying tobacco. That Crump does not disclose or suggest an end portion of the stack, in which said stack is vertically surrounded by an encapsulation but rather teaches chambers created using L-shaped partitions, many of which are located at intermediate locations along the stack. That figure 8 demonstrates that neither the inner nor outer L-shaped partitions extend vertically to the ends of the stack. Consequently, the L-shaped partitions neither vertically surround nor encapsulate an "end portion of the stack," as recited in

Claim 1. This is not persuasive. Crump makes clear that it is also directed to moisturizing and drying food. Crump states that additional chambers including 42 and 45 can be created by connecting L-shaped partitions to the existing horizontal partitions (col. 9, lines 9-19), where the existing horizontal partitions include partitions 22 and 37 as labeled in figure 7. Note, while the citation “Crump, Column 9, lines 9-12” supports L-shaped partitions, it does not support Applicant’s assertion “many of which are located at intermediate locations along the stack 20.” Instead, the cited section indicates that the L-shaped partitions are connected to existing horizontal partitions, which would include partitions 22 and 37. Finally, Crump does provide the L-shaped partitions encapsulate an “end portion of the stack” because this claim language can reasonably be read to mean the upper end portion of the stack at 42 of figure 8. Therefore, figure 8 and the relevant cited sections of Crump discloses that the L-shaped partitions encapsulate an end portion of the stack.

5. On page 14, lines 3-19, Applicant argues that Crump does not teach or suggest an encapsulation extending substantially the vertical distance of one of the outer circumferential wall and inner circumferential wall as recited in claims 1 and 18. That instead Crump teaches that the inner and outer L-shaped partitions should have minimal overlap. That this creates a series of decreasing zones of pressure outside of the conveyor belt tiers and facilitate a serpentine-like path for flow. See Crump at Column 8, lines 53 through Column 9, lines 8; see also curved arrows in Crump, Figs 6-8. The outer L-shaped partitions 46, 47 must be placed with minimal vertical overlap with the inner L-shaped partitions 48, 49 to redirect the flow of gas and preserve the serpentine-shape of flow as the gas descends towards the bottom of the stack. See Crump, Fig. 8. That as a consequence, any encapsulation would be confined to minimize

areas of overlap between inner and outer L-shaped partitions, and thus cannot extend along substantially the vertical distance of one of the outer and inner circumferential walls. Finally, that Crump does not teach an apparatus that can both process and dry foodstuffs because the features do not result with the benefit of an encapsulation that directs flow of a gaseous medium vertically to the rest of the stack. This is not persuasive. Applicant fails to cite any support for the assertion that Crump teaches that the inner and outer L-shaped partitions should have minimal overlap. Crump teaches in col. 9, lines 9-19 that L-shaped partitions extend from the existing horizontal partitions where figure 7 of Crump shows the existing horizontal partitions 22 and 37 which are correspondingly shown in figure 8. Having L-shaped partitions extending from existing horizontal partitions 22 and 37 as taught by Crump provides an encapsulation. Additionally, the sections cited by Applicant of Column 8, lines 53 through Column 9, lines 8 is specifically addressing "FIG. 7." Figure 7 does not show L-shaped partitions, so Applicant's assertion that this section addresses figure 8 is misleading. There is no indication that the L-shaped partitions of figure 8 are limited to creating a serpentine-like path for flow. Additionally, col. 12, lines 3-57 describes combining the spiral conveyor belt with partitions to create "an upper chamber" and "a lower chamber" with "at least one 'L'-shaped inner partition positioned within the hollow cylinder" and "at least one 'L'-shaped outer partition positioned outside the hollow cylinder". This section also makes clear that the purpose of the inner and outer L-shaped partitions is to obstruct the flow of gas from going down the outside of the spiral conveyor belt. In other words, the L-shaped partitions help reduce a bypass flow of the treatment gas. The L-shaped partitions thus additionally help to address the significant problem of bypass flow which Crump indicates at column 3, lines 8-33 as a significant problem that can damage conveyed

material. Therefore, it is clear from Crump that the L-shaped partitions are directed to providing an encapsulation around the spiral conveyor to reduce bypass and increase the vertical flow of treatment gas down through the spiral conveyor.

Drawings

6. The drawings were received on 2/1/2010. These drawings are acceptable.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claim 24 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claim 24 the limitation of “an end portion of the stack being surrounded by a housing being essentially tight in the horizontal direction, said housing comprising: (i) an outer circumferential wall with first and second end edges, wherein a first end edge is essentially tight in the horizontal direction against the stack, (ii) an inner circumferential wall, (iii) an end closure disposed beyond the portion of the stack defined by the helical path of the conveyor belt, wherein the end closure is essentially tight against edges of the outer and inner circumferential walls, . . . said housing” is new matter. The term “housing” as used in claim 24 is inconsistent with how the term “housing” was used in Applicant’s Specification. The Applicant’s Specification states at page 10, line 3 “The apparatus 15 is arranged in a housing 23” where the “apparatus 15 comprises a first end

closure 16 which is arranged to cover the annular space 10 of the stack 3. The apparatus 15 also comprises a second end closure 17” and Applicant’s Figure 2 shows that housing 23 is not essentially tight in the horizontal direction against the stack and does not have an inner circumferential wall. Rather, the housing 23 is a large box shaped chamber that encloses both the entire conveyor stack 3 and the apparatus 15.

9. The term "essentially tight" in claims 1, 18, and 24 is a relative term which renders the claim indefinite. The term "essentially tight" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The size of the encapsulation relative to the stack is also rendered indefinite because of the relative term “essentially tight”.

Claim Rejections - 35 USC § 103

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Claims 1-2, 5-13, 15, 18-19, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crump et al. (US Patent No. 5,515,775 cited in prior notice of references cited mailed 3/4/2009).

12. Regarding claims 1-2, 5-13, 15, 18-19, 22, and 24, Crump et al. discloses an apparatus for treatment of foodstuffs (fig. 9, “food” col. 1, lines 8-10 and col. 2, line 31, col. 5, line 6) for processing and subsequent drying (“reorder or dry” col. 1, lines 8-30 and “treatment gas . . . steam” col. 9, lines 30-49), comprising an endless conveyor belt (19, fig. 2, “endless conveyor belt 19” col. 5, line 46) which along part of its length follows a helical path to form a stack (20, fig. 2, “conveyor stack 20” col. 5, line 50), said helical path defining a central space (36, 38, fig.

9) in the stack, the conveyor belt having passages for letting a flow of a gaseous medium in the vertical as well as horizontal direction through the stack (fig. 5 showing with arrows both vertical and horizontal flow, col. 1, line 65-col. 2, line 11 describing vertical as well as horizontal flow, col. 4, lines 8-33, and col. 6, lines 40-56), . . . , a first supply (51, fig. 9) of a first gaseous medium (col. 9, lines 21-50 describing gas being fed through first supply 51 including air of specific relative humidity and steam) to said central space (38, fig. 9), and a second supply (fig. 9 showing a second supply of a second gaseous medium from circulating 34 and conditioning 35 means) of a second gaseous medium (col. 7, lines 32-39 describing circulating and conditioning and col. 10, lines 7-19 describing thermally conditioning the gas to alter temperature or relative humidity) to said encapsulation (fig. 9 showing the second gaseous medium flowing into the upper part of the stack and where said encapsulation is taught below from another embodiment of the same reference), . . . , in which the first gaseous medium is humid water vapor (col. 9, lines 20-50 describing a humid treatment gas flow including steam being supplied by pipe 51, col. 10, lines 4-19 describing controlling the humidity of the gas and col. 10, lines 45-55 describing greater control and where the "humid water vapor" is not clearly defined), . . . , in which a first end closure (16, figs. 1 and 8-9 showing a first end closure 16 arranged to cover the conveyor stack 20) is arranged to cover the conveyor belt at the upper edge (figs. 1 and 8-9 showing the first end closure being at the upper edge of the encapsulation where the encapsulation is taught below) of the encapsulation, in which a second end closure (37, figs. 7 and 9) is arranged over the central space (36, 38, fig. 9), in which lateral pieces (25, figs. 2-3 showing the stack having a longitudinal edge forming an outer wall of the stack 20 which is almost identical to Applicant's Figure 1 at 7b) at a longitudinal edge of the conveyor belt (19, fig.

2) form an outer wall of the stack (20, fig. 2), which defines the stack outwards in the radial direction (fig. 2), in which lateral pieces (25, figs. 2-3 showing a stack having a longitudinal edge forming an inner wall of the stack 20 which is almost identical to Applicant's Figure 1 at 7a) at a longitudinal edge of the conveyor belt (19, fig. 2) form an inner wall of the stack (20, fig. 2) which defines the stack inwards in the radial direction to define said central space (fig. 2 showing an inner wall of the stack defining the central space and 36, 38, fig. 9), in which a third end closure (39, figs. 7-9 showing the third end closure 39 being at the bottom of the stack, col. 8, lines 54-56 describing an additional partition 39 to create the bottom central space chamber 38) is arranged against the lowermost turn (figs. 7-9 showing the third end closure 39 at different heights including against the lowermost turn, col. 4, lines 59-64 describing the chambers formed by partitions being at different heights in the conveyor stack) formed in the stack, said third end closure (39, figs. 7-9) being arranged transversely of the central space (36, 38, figs. 7-9) defined by the conveyor belt (figs. 7-9), in which the source of supply (51, fig. 9) of humid water vapor (col. 9, lines 20-50 describing a humid treatment gas flow including steam being supplied by pipe 51) comprises a fan (23, fig. 1, "fans 23 used as a means for circulating treatment gas" col. 6, lines 7-8), in which the conveying direction of the conveyor belt (19, fig. 1 showing the conveyor belt 19 entering at an inlet 17 and moving in an upward direction toward the encapsulation to an outlet 18 which is similar to Applicant's Figure 2) is arranged towards the encapsulation, in which the stack (20, fig. 1) is arranged in a housing (16, figs. 1 and 4-5, col. 6, lines 40-44 describing a housing having a top and side walls) comprising an inlet (17, fig. 1) and an outlet (18, fig. 1) for the conveyor belt (19, fig. 1), . . . , a method for treating foodstuffs ("reorder or dry . . . or treat other particulate solid materials, e.g., food" col. 1, lines 8-10 and

“processing of . . . food” col. 5, lines 1-7) for the purpose of processing and drying, comprising:

(a) providing an endless conveyor belt (19, fig. 2, col. 5, line 46) which along part of its length follows a helical path to form a stack (20, fig. 2, col. 5, line 50), said conveyor belt having passages for letting a flow of a gaseous medium through the stack in the vertical as well as the horizontal directions (fig. 5 showing with arrows both vertical and horizontal flow, col. 1, line 65-col. 2, line 11 describing vertical as well as horizontal flow, col. 4, lines 8-33, and col. 6, lines 40-56), wherein: (i) the stack defining a central space (36, 38, fig. 9), and (ii) the stack comprising a non-encapsulated stack portion (38, fig. 9) and, adjacent thereto (fig. 9 at 36), . . . ,

(b) supplying a flow of a first gaseous medium (fig. 9 at 51, col. 9, lines 21-50 describing gas being fed through first supply 51 including air of specific relative humidity and steam) to said central space (38, fig. 9) for further conveyance to the non-encapsulated stack portion (fig. 9 at 38) through said passages for letting through a flow of a first gaseous medium in the horizontal direction (col. 9, lines 20-36 describing the first gaseous medium from 51 effecting the treatment in the conveyor stack in the tiers adjacent to chamber 38 and downstream of that chamber), (c) supplying a flow of a second gaseous medium (fig. 9 showing a second gaseous medium from circulating 34 and conditioning 35 means, col. 7, lines 32-39) to said upper encapsulated stack portion (fig. 9 showing the second gaseous medium being supplied to the upper stack portion), . . . , and (e) the flow of the second gaseous medium (fig. 9 showing a second gaseous medium from 34 and 35), which enters the encapsulated stack portion (fig. 9 showing gas supplied to upper stack portion) and flows essentially vertically (fig. 9 showing that the second gaseous medium flows essentially vertically, “this invention utilizes downward vertical flow” col. 7, lines 40-41), affecting the flow of the first gaseous medium (fig. 9 at 51, col. 9, lines 21-37 describing

the first gaseous medium from 51 effecting the treatment in the conveyor stack in the tiers adjacent to chamber 38 and downstream of that chamber) which is conveyed to the non-encapsulated stack portion (38, fig. 9) so that the first gaseous medium is prevented from flowing towards the encapsulated stack portion (col. 9, lines 21-37 describing the flow of the first gaseous medium as adjacent and downstream indicating that the first gaseous medium is prevented from flowing upward), in which the first gaseous medium is humid water vapor (col. 9, lines 21-50 describing a humid treatment gas flow including steam being supplied by pipe 51, col. 10, lines 4-19, and col. 10, lines 45-55 and where "humid water vapor" is not clearly defined), comprising the step of arranging the conveyor belt (19, fig. 1) in a conveying direction towards the encapsulated stack portion (fig. 1 showing the conveyor moving in an upward direction), and an apparatus for treatment of foodstuffs (fig. 9, "food" col. 1, lines 8-10 and col. 2, line 31, col. 5, line 6) for processing and subsequent drying ("reorder or dry" col. 1, lines 8-30 and "treatment gas . . . steam" col. 9, lines 30-49), comprising (a) an endless conveyor belt (19, fig. 2, "endless conveyor belt 19" col. 5, line 46) which along part of its length follows a helical path to form a stack (20, fig. 2, "conveyor stack 20" col. 5, line 50), said helical path defining a central space (36, 38, fig. 9) in the stack, (b) the conveyor belt having passages for letting a flow of a gaseous medium in the vertical as well as horizontal direction through the stack (fig. 5 showing with arrows both vertical and horizontal flow, col. 1, line 65-col. 2, line 11 describing vertical as well as horizontal flow, col. 4, lines 8-33, and col. 6, lines 40-56), . . . , (d) a first supply (51, fig. 9) of a first gaseous medium (col. 9, lines 21-50 describing gas being fed through first supply 51 including air of specific relative humidity and steam) to said central space (38, fig. 9), and (e) a second supply (fig. 9 showing a second supply of a second gaseous medium

from circulating 34 and conditioning 35 means) of a second gaseous medium (col. 7, lines 32-39 describing circulating and conditioning and col. 10, lines 7-19 describing thermally conditioning the gas to alter temperature or relative humidity) to said encapsulation (fig. 9 showing the second gaseous medium flowing into the upper part of the stack and where said encapsulation is taught below from another embodiment of the same reference), . . . , except for an end portion of the stack, in which said stack is vertically surrounded by an encapsulation that is essentially tight in the horizontal direction, the encapsulation being formed by an outer circumferential wall and an inner circumferential wall vertically surrounding the end portion of the stack, the encapsulation extending along substantially the vertical distance of one of the outer circumferential wall and inner circumferential wall, said encapsulation being arranged to direct the flow of the second gaseous medium in such a manner that it is passed in the vertical direction from said encapsulation to the rest of the stack, in which said encapsulation is arranged at the upper part of the stack, in which said outer and inner circumferential walls have the same height, an encapsulated stack portion being encapsulated in the vertical direction by an encapsulation that is essentially tight in the horizontal direction, the encapsulation being formed by an outer circumferential wall and an inner circumferential wall vertically surrounding the encapsulated stack portion, the encapsulation extending along substantially the vertical distance of one of the outer circumferential wall and inner circumferential wall, (d) wherein said encapsulation directing the flow of the second gaseous medium in such a manner that it flows in an essentially vertical direction from said encapsulated stack portion to said non-encapsulated stack portion, (c) an end portion of the stack being surrounded by a housing being essentially tight in the horizontal direction, said housing comprising: (i) an outer circumferential wall with first and

second end edges, wherein a first end edge is essentially tight in the horizontal direction against the stack, (ii) an inner circumferential wall, (iii) an end closure disposed beyond the portion of the stack defined by the helical path of the conveyor belt, wherein the end closure is essentially tight against edges of the outer and inner circumferential walls, and (f) said housing being arranged to direct the flow of the second gaseous medium in such a manner that it is passed in the vertical direction from said housing to the rest of the stack. However, Crump et al. teaches in another embodiment an end portion of the stack (fig. 8 at 29), in which said stack is vertically surrounded by an encapsulation (fig. 8 and Figure A below showing that with L-shaped partitions 46, 49 attached at horizontal partitions 22 and 37 an encapsulation having an inner 45 and outer 42 chambers is provided) that is essentially tight (where “essentially tight” does not clearly define the encapsulation) in the horizontal direction (fig. 8 and Figure A below showing that L-shaped partitions 46 and 49 are essentially tight to the stack), the encapsulation (fig. 8 and Figure A below) being formed by an outer circumferential wall (46, fig. 8 and Figure A below, col. 9, lines 9-19 describing L-shaped partitions being attached to the existing horizontal partitions which would include partition 22 to create additional chambers) and an inner circumferential wall (49, fig. 8 and Figure A below showing locations on the existing horizontal partition 37 where L-shaped partition 49 can be attached, col. 9, lines 9-19 describing L-shaped partitions being attached to the existing horizontal partitions which would include partition 37) vertically surrounding the end portion of the stack (fig. 8 at 29), the encapsulation (fig. 8 and Figure A below) extending along substantially the vertical distance of one of the outer circumferential wall and inner circumferential wall (fig. 8 and Figure A below showing partitions 46 and 49 being the same size and where they are attached to horizontal partitions 22 and 37, col.

9, lines 9-19 and col. 12, lines 25-57 describing at least one inner and outer L-shaped partition and where the claim language is interpreted to mean that the encapsulation formed by an outer and inner wall provides an encapsulation having the vertical length of its inner or outer walls), said encapsulation being arranged to direct the flow of the second gaseous medium (fig. 8 showing a vertical flow) in such a manner that it is passed in the vertical direction ("invention utilizes downward vertical flow" col. 7, lines 40-41) from said encapsulation (fig. 8 and Figure A below) to the rest of the stack, in which said encapsulation (fig. 8 and Figure A below) is arranged at the upper part of the stack, in which said outer (46, fig. 8 and Figure A below) and inner (49, fig. 8 and Figure A below) circumferential walls have the same height (fig. 8 showing the outer and inner walls having the same height), an encapsulated stack portion (fig. 8 and Figure A below) being encapsulated in the vertical direction by an encapsulation (fig. 8 and Figure A below showing the L-shaped partitions 46 and 49 being tight to the stack) that is essentially tight in the horizontal direction, the encapsulation being formed by an outer circumferential wall (46, fig. 8 and Figure A below, col. 9, lines 9-19 describing L-shaped walls being attached to the partitions which would include partition 22 to create additional chambers) and an inner circumferential wall (49, fig. 8 and Figure A below showing locations on the existing partition 37 where L-shaped wall 49 can be attached, col. 9, lines 9-19 describing L-shaped walls being attached to the existing partitions which would include partition 37) vertically surrounding the encapsulated stack portion (fig. 8 at 29), the encapsulation (fig. 8 and Figure A below) extending along substantially the vertical distance of one of the outer circumferential wall and inner circumferential wall (fig. 8 and Figure A below showing the L-shaped partitions 46 and 49 being the same length), (d) wherein said encapsulation (fig. 8 and

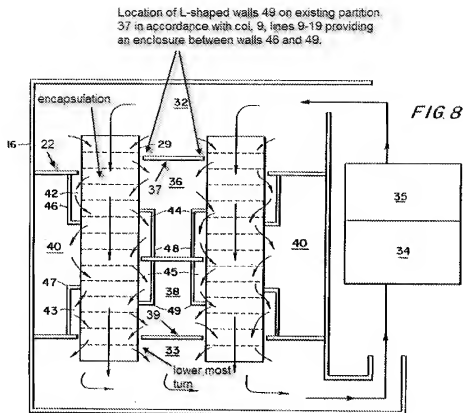
Figure A below) directing the flow of the second gaseous medium in such a manner that it flows in an essentially vertical direction (fig. 8 showing the flow of the second gaseous medium in an essentially vertical direction) from said encapsulated stack portion (fig. 8 at 29 and fig. 9 at 36) to said non-encapsulated stack portion (fig. 9 at 38), (c) an end portion of the stack (fig. 8 at 29) being surrounded by a housing (fig. 8 and Figure A below showing L-shaped partitions 46 and 49) being essentially tight (where “essentially tight” does not clearly define the encapsulation) in the horizontal direction, said housing comprising: (i) an outer circumferential wall (46, fig. 8 and Figure A below, col. 9, lines 9-19 describing L-shaped walls being attached to the existing partitions which would include partition 22 to create additional chambers) with first and second end edges (fig. 8 and Figure A below showing L-shaped partition 46 having a first end at the bottom and an upper end attached to partition 22), wherein a first end edge is essentially tight in the horizontal direction against the stack (fig. 8 and Figure A below showing the first end edge being against the stack), (ii) an inner circumferential wall (49, fig. 8 and Figure A below showing locations on the existing partition 37 where L-shaped wall 49 can be attached, col. 9, lines 9-19 describing L-shaped walls being attached to the existing partitions which would include partition 37), (iii) an end closure (16, fig. 8 showing the end closure 16 forming a part of the wall and the top and fig. 1 showing end closure 16 including a top) disposed beyond the portion of the stack (fig. 8 showing the conveyor stack) defined by the helical path of the conveyor belt, wherein the end closure (16, fig. 8) is essentially tight (where the term essentially tight is not defined) against edges of the outer and inner circumferential walls (showing the end closure 16 being relatively tight toward the top of the conveyor stack and therefore the walls of the housing), and (f) said housing (fig. 8 and Figure A below showing a vertical downward flow)

being arranged to direct the flow of the second gaseous medium in such a manner that it is passed in the vertical direction ("invention utilizes downward vertical flow" col. 7, lines 40-41) from said housing to the rest of the stack in order to preserve large spaces inside the device while providing advantages for certain applications (col. 9, lines 9-19), to obstruct the flow of gas from the perforated walls from going down the inside and outside of the spiral conveyor belt (col. 12, lines 3-57) and thus helping the apparatus to further reduce the problem of bypass flow (col. 3, lines 8-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the Crump et al. reference, to include an end portion of the stack, in which said stack is vertically surrounded by an encapsulation that is essentially tight in the horizontal direction, the encapsulation being formed by an outer circumferential wall and an inner circumferential wall vertically surrounding the end portion of the stack, the encapsulation extending along substantially the vertical distance of one of the outer circumferential wall and inner circumferential wall, said encapsulation being arranged to direct the flow of the second gaseous medium in such a manner that it is passed in the vertical direction from said encapsulation to the rest of the stack, in which said encapsulation is arranged at the upper part of the stack, in which said outer and inner circumferential walls have the same height, an encapsulated stack portion being encapsulated in the vertical direction by an encapsulation that is essentially tight in the horizontal direction, the encapsulation being formed by an outer circumferential wall and an inner circumferential wall vertically surrounding the encapsulated stack portion, the encapsulation extending along substantially the vertical distance of one of the outer circumferential wall and inner circumferential wall, (d) wherein said encapsulation directing the flow of the second gaseous medium in such a manner that it flows in an essentially

vertical direction from said encapsulated stack portion to said non-encapsulated stack portion, (c) an end portion of the stack being surrounded by a housing being essentially tight in the horizontal direction, said housing comprising: (i) an outer circumferential wall with first and second end edges, wherein a first end edge is essentially tight in the horizontal direction against the stack, (ii) an inner circumferential wall, (iii) an end closure disposed beyond the portion of the stack defined by the helical path of the conveyor belt, wherein the end closure is essentially tight against edges of the outer and inner circumferential walls, and (f) said housing being arranged to direct the flow of the second gaseous medium in such a manner that it is passed in the vertical direction from said housing to the rest of the stack, as suggested and taught by Crump et al., for the purpose of preserving large spaces inside the device while providing advantages for certain applications, obstructing the flow of gas from the perforated walls from going down the inside and outside of the spiral conveyor belt and thus helping the apparatus to further reduce the problem of bypass flow. The Applicant is combining prior art elements according to known methods to yield predictable results. The Applicant is combining the prior art elements of the apparatus for treatment of foodstuffs for processing and drying comprising a conveyor belt having a first supply of a first gaseous medium to a central space and a second supply of a second gaseous medium to the top of the conveyor belt to flow vertically downward as disclosed by one embodiment of Crump et al. with the prior art elements of the apparatus for treatment of foodstuffs for processing and drying comprising a conveyor belt having an end portion vertically surrounded by an encapsulation formed by an outer circumferential wall and an inner circumferential wall to provide an encapsulation extending vertically the distance of the inner and outer walls and a second supply of a second gaseous medium to the top of the

conveyor belt as taught by another embodiment of Crump et al. according to known methods to yield the predictable results of an apparatus for treatment of foodstuffs for processing and drying comprising a conveyor belt having an end portion vertically surrounded by an encapsulation formed by an outer circumferential wall and inner circumferential wall to provide an encapsulation extending vertically the distance of the inner and outer walls and a first supply of a first gaseous medium to a central space and a second supply of a second gaseous medium to the top of the conveyor belt to flow vertically downward. One would be motivated to combine the two embodiments of Crump et al. because Crump et al. teaches using L-shaped partitions to help guide the vertical flow of a second gaseous medium and to reduce bypass flow as taught by the embodiment of figure 8 and the embodiment of figure 9 could be similarly improved as recognized in column 12, lines 3-57 which describes at least one inner and outer L-shaped partition combined with at least one pipe for providing a first gaseous medium into the central space, thus providing different gases to different parts of the conveyor stack as Crump et al. states is required for certain processes while reducing bypass flow at the upper portion of the conveyor stack where bypass flow can damage material being treated (col. 3, lines 8-33).

Figure A.



13. Claims 3, 20, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crump et al. (US Patent No. 5,515,775) as applied to claims 1 and 18 above, and further in view of Winterson et al. (US Patent No. 5,526,581).

14. In regards to claims 3, 20 and 23, Crump et al. discloses the claimed invention including in which the source of supply of vapor comprises a fan (23, fig. 1, "fans 23 used as a means for circulating treatment gas" col. 6, lines 7-8 and col. 9, lines 31-37 describing treatment gas having a specific relative humidity), except for the first gaseous medium is saturated water vapor. However, Winterson et al. teaches a first gaseous medium of saturated water vapor ("Another method is to use saturated steam as the reordering medium" col. 1, lines 39-43) in order to

provide a medium for reordering material to be treated including tobacco and food (col. 1, lines 7-13) in a spiral conveyor stack (fig. 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the Crump et al. reference, to include the first gaseous medium is saturated water vapor, as suggested and taught by Winterson et al., for the purpose of providing a medium for reordering material to be treated including tobacco and food in a spiral conveyor stack. The Applicant is combining prior art elements according to known methods to yield predictable results. The Applicant is combining the prior art elements of a spiral conveyor stack for processing tobacco and foodstuffs using a first gaseous medium of water vapor as disclosed by Crump et al. with the prior art elements of a spiral conveyor stack for processing tobacco and foodstuffs using a first gaseous medium of saturated water vapor as taught by Winterson et al. according to known methods to yield the predictable results of a spiral conveyor stack for processing tobacco and foodstuffs using a first gaseous medium of saturated water vapor. One would be motivated to combine Crump et al. with Winterson et al. because Winterson et al. discloses successfully using a saturated water vapor when reordering and Crump et al. could be similarly improved by using a saturated water vapor when reordering, thus providing a gaseous medium known to successfully reorder material being treated.

15. Claims 4, 14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crump et al. (US Patent No. 5,515,775) as applied to claims 1, 13, and 18 above, and further in view of Hwang (US Patent No. 5,078,120 cited in prior notice of references cited mailed 3/4/2009).

16. In regards to claims 4, 14, and 21, Crump et al. discloses the claimed invention, except for the second gaseous medium is overheated water vapor and in which the housing further comprises a drain for draining off condensed water vapor. However, Hwang teaches the second gaseous medium is overheated water vapor (col. 9, lines 27-47 describing treating food in a steam environment of up to 450 degrees F and col. 11, line 53-col. 12, line 5 describing treating food in a steam environment at a temperature of up to 400 degrees F) and in which the housing further comprises a drain (52, fig. 4, "drainage channel 52" col. 8, lines 24-29 describing a drain 52 for continuously draining drippings from food which would inherently include condensed water vapor) for draining off condensed water vapor in order to provide a gaseous cooking medium that achieves varying cooking characteristics (fig. 1, col. 9, lines 27-47 and col. 11, line 53-col. 12, line 5) and to drain off drippings (col. 8, lines 24-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the Crump et al. reference, to include the second gaseous medium is overheated water vapor and in which the housing further comprises a drain for draining off condensed water vapor, as suggested and taught by Hwang, for the purpose of providing a gaseous cooking medium that achieves varying cooking characteristics and to drain off drippings. The Applicant is combining prior art elements according to known methods to yield predictable results. The Applicant is combining the prior art elements of a spiral conveyor stack apparatus for processing foodstuffs having a second gaseous medium of humid gaseous medium as disclosed by Crump et al. with the prior art elements of a spiral conveyor stack apparatus for processing foodstuffs having a gaseous medium including overheated water vapor and a drain for draining off condensed water vapor as taught by Hwang according to known methods to yield the predictable results of a spiral

conveyor stack apparatus for processing foodstuffs having a gaseous medium including overheated water vapor and a drain for draining off condensed water vapor. One would be motivated to combine Crump et al. with Hwang because Hwang teaches a spiral conveyor stack for processing foodstuffs enabling varying cooking characteristics and a drain for removing liquids during the processing of foodstuffs and the spiral conveyor stack for processing foodstuffs of Crump et al. could be similarly improved by using a gaseous medium of overheated water vapor and a drain, thus enabling the processing of a wider range of foodstuffs and removing condensed water vapor that may contain bacteria or odorous liquids from the processing of foodstuffs.

17. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crump et al. (US Patent No. 5,515,775) as applied to claim 1 above, and further in view of Astrom (US Patent No. 3,412,476 cited in prior notice of references cited mailed 11/3/2009).

18. In regards to claims 16-17, Crump et al. discloses the claimed invention including said inner circumferential wall extends vertically along a portion of the stack (Crump et al., fig. 8 and Figure A above), except for in which said outer circumferential wall extends vertically along the full height of the stack, whereby said outer circumferential wall optionally has openings or perforations along the portion of the stack not covered by the inner circumferential wall, and in which said outer and inner circumferential walls extend along the full height of the stack, whereby both walls have openings or perforations along a portion of the stack. However, Astrom teaches in which an outer circumferential wall (12, fig. 3) extends vertically along the full height of a stack (1, fig. 3), whereby said outer circumferential wall (12, fig. 3) optionally has openings (16, fig. 3, col. 2, lines 27-44 describing the outer wall 12 having openings 16 so

that air can pass through as represented by the single arrows where the location of the openings is determined from case to case to gain the best effect) along a portion of the stack not covered by the inner circumferential wall (where Crump et al. discloses the inner circumferential wall which extends for a portion of the stack), and in which an outer (12, fig. 3) and inner (3, fig. 3) circumferential walls extend along the full height of the stack (1, fig. 3), whereby both walls have openings (16, fig. 3, col. 2, lines 27-44 describing the outer wall 12 and inner wall 3 having openings 16 so that air can pass through as represented by the single arrows where the location of the openings is determined from case to case to gain the best effect) along a portion of the stack (1, fig. 3) in order to provide greater control over the flow of air between the inner and outer walls so that the best effect is gained (col. 2, lines 27-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the Crump et al. reference, to include in which said outer circumferential wall extends vertically along the full height of the stack, whereby said outer circumferential wall optionally has openings along the portion of the stack not covered by the inner circumferential wall, and in which said outer and inner circumferential walls extend along the full height of the stack, whereby both walls have openings along a portion of the stack, as suggested and taught by Astrom, for the purpose of providing greater control over the flow of air between the inner and outer walls so that the best effect is gained. The Applicant is combining prior art elements according to known methods to yield predictable results. The Applicant is combining the prior art elements of a spiral conveyor stack for processing foodstuffs having inner and outer circumferential walls as disclosed by Crump et al. with the prior art elements of a spiral conveyor stack for processing foodstuffs (Astrom, "foodstuffs" col. 1, line 13) having inner and outer circumferential walls extending the

full height of the stack, whereby one or both walls (col. 2, lines 39-44) have openings along a portion of the stack as taught by Astrom according to known methods to yield the predictable results of a spiral conveyor stack for processing foodstuffs having inner and outer circumferential walls extending either a portion of or the full height of the stack, whereby one or both walls have openings along a portion of the stack. One would be motivated to combine Crump et al. with Astrom because Astrom teaches providing openings greater control over the flow of air between the inner and outer walls so that the best effect is gained and Crump et al. could be similarly improved by providing openings in its inner and outer walls, thus allowing for greater control over the flow of air between its walls to better achieve the best effect in processing foodstuffs.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to COREY HALL whose telephone number is (571)270-7833. The examiner can normally be reached on Monday - Friday, 9AM to 5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Rinehart can be reached on (571)272-4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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